

ARTICLE NINE

ADMINISTRATION AND ENFORCEMENT

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ARTICLE NINE ADMINISTRATION AND ENFORCEMENT

9.00.00 *GENERALLY*

9.00.01 **Purpose**

This Article sets forth the application and review procedures required for obtaining development orders, and certain types of permits. This Article also specifies the procedures for appealing decisions and seeking legislative action.

9.00.02 **Withdrawal of Applications**

An application for development review may be withdrawn at any time. No fees shall be refunded if public notice of a public hearing has been given. Development Permits for the placing of structures or making physical improvements on a site can be withdrawn up to the date construction begins. One half of the development permit fees can be refunded if public notice or construction has not occurred.

9.00.03 **Definitions**

Unless specifically defined below, words or phrases used in this Article shall be interpreted so as to give them the meaning they have in common usage and to give this Article its most reasonable application.

Abut To physically touch or border upon; or to share a common property line.

Adversely Affected Person Any person who is suffering or will suffer an adverse impact to an interest protected or furthered by the Jefferson County Comprehensive Plan, including but not limited to: interests related to health and safety; police and fire protection services; densities or intensities of development; transportation facilities; recreational facilities; educational facilities; health care facilities, equipment, or services; and environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large, but must exceed in degree the general interest in community good shared by all persons.

Development Permit For purposes of this Code a development permit is that Official County document which authorizes the general plan of development. After a development permit is issued all types of construction permits (plumbing, electrical, foundation, mechanical, and so forth, in addition to the building permit itself), grading and clearing permits, septic tank permits, tree removal permits, sign permits, and flood protection permits, can be issued as required.

Developer Any person who engages in or proposes to engage in a development activity either as the owner or as the agent of an owner of property.

Development or Development Activity See 2.00.02.C

Preliminary Development Order Any preliminary approval, which does not authorize actual construction, mining, or alterations to land and/or structures. A preliminary development order may include conceptual and conditional approvals where a series of sequential approvals are required before action authorizes commencement of construction or land alteration. For purposes of this Code preliminary development orders include preliminary development plan approval, and master plan approval.

Final Development Order The final authorization order granting, denying, or granting with conditions an application for a development project or activity. This authorization must be granted prior to issuance of a development permit as defined for purposes of this Code. (The final development order authorizes the project, whereas the development permit authorizes specific components of the project, such as building construction, parking lot installation, landscaping, and the like.) For purposes of this Code preliminary plats and/or site plan approval is the final development order.

Dwelling Unit A single housing unit providing complete, independent living facilities for one housekeeping unit, including permanent provisions for living, sleeping, eating, cooking and sanitation.

FDEP or DEP Florida Department of Environmental Protection.

Gross Density The total number of dwelling units divided by the total site area, including public right-of-way.

Gross Floor Area The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of the walls, or from the centerline of a wall separating two (2) buildings, including outdoor areas dedicated to primary use but excluding; exterior stairwells, balconies, uncovered porches and patios, interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

Impervious Surface A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, semi-impervious surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

Improvement Any man-made, immovable item, which becomes part of, is placed upon, or is affixed to real estate.

Minor Replat A process for the subdivision of lots, primarily for use in recorded plats but also permitted in unrecorded subdivisions, whereby one or more lots may be

reconfigured and/or re-subdivided, provided the density does not exceed the underlying land use category of the subdivision and all lots have frontage on existing publicly or privately maintained roads. In recorded subdivisions, a Replat of the affected lots must be recorded in accordance with F.S. Chapter 177.

Minor Modification(s) A deviation from the final development plan that falls within the following limits and that is necessary in light of technical or engineering considerations first discovered during or before actual development and not reasonably anticipated during the initial process:

1. Alteration of the location of any, walkway, landscaping, or structure in a manner consistent with the Comprehensive Plan and Land Development Code, or
2. Alteration of the location of the road right of way, or
3. Reduction of the total amount of open space by not more than five percent, or reduction of the yard area or open space associated with any single structure by not more than five percent; provided that such reduction does not permit the required yard area or open space to be less than that required by this code or otherwise specifically conditioned during the original approval process; or
4. An increase of the use of the site or building(s), provided such change does not increase the overall demand of concurrency capacity for sanitary sewer, solid waste, drainage, potable water, recreation, open space, by more than three percent; or
5. Any change of the use of the site, provided such change does not increase the demand of concurrency capacity for the sanitary sewer, solid waste, drainage, potable water, recreation, open space or roadways; or
6. Any change that increases the height of a structure by less than ten percent, or
7. Any relocation of lot lines or change in the configuration of the lots and blocks on an approved subdivision plat, prior to final approval for recording in the public records pursuant to Section 9.02.04D, so long as the gross density is the same or less than originally approved, the change does not involve clustering where the original plat did not involve clustering, all other applicable code requirements are satisfied, and no changes to the specific conditions of the development order are required.

Major Modification(s) A modification other than a minor modification, from a final development plan, including but not limited to any change to a condition in the Final Development Order that was expressly imposed by the Planning Commission or Board of County Commissioners; or any change that adversely affects the compatibility or concurrency of the proposed project as determined by the Planning Department; or any change that the Planning Administrator, or a designee, determines should be reviewed by

the Planning Commission and/or the Board of County Commissioners due to the community impact of the proposed change.

Owner A person who, or entity which, alone, jointly or severally with others, or in a representative capacity (including without limitation, an authorized agent, attorney, executor, personal representative or trustee) has legal or equitable title to any property in question, or a tenant, if the tenancy is chargeable under his lease for the maintenance of the property.

Parcel A unit of land within legally established property lines. If, however, the property lines are such as to defeat the purposes of this Code or lead to absurd results, a "parcel" may be as designated for a particular site by the Planning Administrator.

Simple Lot Split The subdivision of a single lot or parcel of land into two (2) lots or parcels.

Site Built A method of building construction involving assembly of a structure from individual construction materials at the final building site. It does not involve the assembly of major components of the building, such as entire rooms, complete walls or complete building roof, which have been prefabricated or preassembled at another location, such as a manufacturing facility.

9.01.00 AUTHORIZATION BY A DEVELOPMENT PERMIT REQUIRED PRIOR TO UNDERTAKING ANY DEVELOPMENT ACTIVITY

9.01.01 Generally

No development may be undertaken unless the activity is authorized by a development permit.

9.01.02 Prerequisites to Issuance of Development Permit

Except as provided in Section 9.01.03 below, a development permit may not be issued unless the proposed development activity is authorized by a Final Development Order issued pursuant to this Code.

9.01.03 Exceptions to Requirement of a Final Development Order

A development permit may be issued for the following development activities in the absence of a final development order issued pursuant to this Code. Unless otherwise specifically provided, the development activity shall conform to this Code.

- A. Development activity necessary to complete any development that been authorized as a development of regional impact or a development issued a final development order and has continued in good faith. Compliance with the new development standards in this Code is not required if in conflict with the previously approved plan.

- B.** The construction or alteration of a one or two-family dwelling on a lot of record, in a valid recorded subdivision or traditional community, approved prior to December 13, 1990. Compliance with the development standards in this Code is not required if in conflict with the previously approved plat.
- C.** The alteration of an existing building or structure so long as no change is made to its gross floor area, its use, or the amount of impervious surface on the site.
- D.** The erection of a sign or the removal of protected trees on a previously developed site and independent of any other development activity on the site, unless specifically included as a condition of a previously approved development.
- F.** A Minor Replat granted pursuant to the procedures in Section 9.05.00.
- G.** The subdividing of large parcels into smaller parcels provided the smallest parcel created in the Agriculture-20 District contains a minimum of 100 acres, and the smallest parcel created in all other land use categories shall contain a minimum of 50 acres.
- H.** Non-occupied utility support structure with less than 1000 square feet of impervious surface.

9.01.04 Post-Permit Changes

After a permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the permit without first obtaining a modification of the permit. A modification may be applied for in the same manner as the original permit. A written record of the modification shall be entered upon the original permit and maintained in the files of the Planning Department

9.01.05 Modifications to a Final Development Order

When modifications to a Final Development Order constitute either a Major or Minor Modification the following regulations establish the procedure for processing such deviations.

1. Modifications, which have been determined as Minor Modifications, shall necessitate a formal amendment of such Order. Such an amendment shall be reviewed and processed administratively by the Planning Official who has decision making authority as to such modifications. When the Planning Official deems necessary, such amendments shall be reviewed and approved pursuant to the requirements of a Minor Development.
2. Major Modifications to an existing Final Minor Development Order shall be reviewed and processed pursuant to the requirements of a Minor Development. However, should the modification satisfy any of the criteria set forth in the definition of major development when combined with the initial approval and any other authorized deviations, the modification shall then be reviewed and processed pursuant to the requirements for a Major Development.

3. Major modifications to an existing Final Major Development Order shall be reviewed and processed pursuant to the requirements of Major Development.

9.02.00 REVIEW OF SITE DEVELOPMENT PLANS

9.02.01 Pre-Application Conference

Prior to filing for development plan review, the developer shall meet with the Planning Official to discuss the development review process. No person may rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form. The pre-application conference may be waived at the option of the Planning Official.

9.02.02 DESIGNATION OF PLANS AS MINOR OR MAJOR DEVELOPMENTS

- A. **Generally.** For purposes of these review procedures, all development plans shall be designated by the Planning Official as either minor or major developments according to the criteria below. Before submitting a development plan for review, the developer shall provide the Planning Administrator with sufficient information to make this determination. The Planning Administrator's determination shall be supported by written findings.
- B. **Minor Development.** A plan shall be designated as a minor development requiring final development approval by the Planning Official if it is:
 1. Any division of land into three (3) or more parcels, but no more than ten (10) parcels and not including any dedication to the county for right-of-way or any other purpose.
 2. Any multi-family residential development of ten (10) units or less, that does not involve platting.
 3. Any non-residential use excluding agriculture, with a total impervious surface of 30,000 square feet or less, including additions to existing structures.
 4. Any development that requires a Development Order and is not otherwise designated as a Major Development is a Minor Development.
 5. The Planning Official may require review as a Major Development.

C. Major Development. A plan shall be designated as a major development requiring final development approval by the Planning Commission and the Board of County Commissioners if it is:

1. Any division of land into more than ten (10) parcels.
2. Any multi-family residential development of more than ten (10) dwelling units.
3. Any non-residential development with a total impervious surface of more than thirty thousand (30,000) square feet.
4. Any development that should be more thoroughly considered and reviewed because of its location or potential for impact on public facilities, natural resources and public safety.
5. Any part of a phased development for which all phases, in total, would constitute a major development.
6. Any additional phase to an existing or previously approved development, when the additional phase, together with the existing or previously approved development, constitutes a major development.

9.02.03 APPLICATION AND SUBMITTAL REQUIREMENTS

A. Application. Applications for development review shall be available at the Planning Department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal.

B. Submittal Requirements The following information must be submitted at the time of application.

1. General Plan Requirements. These shall be mandatory for all development plans.
2. Development Review Requirements. These shall be mandatory for all minor and major development applications.
3. Major Review Requirements. These shall be mandatory only for major development or planned unit development (PUD) plans.
4. Environmentally Sensitive Area Requirements. These shall be required for all developments, which contain environmentally sensitive areas as identified in Article Four, or at the discretion of the Planning Official.

C. *General Plan Requirements.*

1. Every proposed subdivision development shall be given a name by which it shall be legally known. The name shall not be the same as any other name appearing on any recorded plat. Every subdivision name shall have legible lettering of the same size and type including the words "section", "unit", "replat", "amended", and the like. The name of the development shall be indicated on every page. Unless a format is specifically called for below, the information required may be presented textually, graphically or on a map, plan, aerial photograph, or by other means, whichever most clearly conveys the required information. It is the responsibility of the developer to submit the information in a form that allows ready determination of whether the requirements of this Code have been met.
2. All plans shall be drawn to a scale of one (1) inch equals one hundred (100) feet, unless the Planning Official determines that a different scale is sufficient or necessary for proper review of the proposal.
3. The plans shall be twenty-four (24) inches by thirty-six (36) inches in size. A three-quarter (3/4) inch margin shall be provided on all sides except for the left binding side where a two (2) inch margin shall be provided.
4. If multiple sheets are used, the sheet number and total number of sheets must be clearly indicated on each.
5. The front cover sheet of each plan shall include:
 - a. A general vicinity or location map drawn to scale (both stated and graphic) showing the position of the proposed development in the section(s), township and range, together with the principal roads, city limits, and/or other pertinent orientation information.
 - b. A boundary survey pursuant to the requirements of Florida Statutes chapter 177 part I.
 - c. The name, address and telephone number of the owner(s) of the property. Where a corporation or company is the owner of the property, the name and address of the president and secretary of the entity shall be shown.
 - d. Name, business address, and telephone number of those individuals responsible for the preparation of the drawing(s).
 - e. Each sheet shall contain a title block with the name of the development, a north arrow, and date.

- f. The plan shall show the boundaries of the property with a metes and bounds description reference to section, township and range, tied to a section or quarter-section or subdivision name and lot number(s).
- g. The area of the property shown in square feet and acres.
- 6. The total number and type of residential units categorized according to number of bedrooms. The total number of residential units per acre (gross density) and also Floor Area Ratio (FAR) calculations shall be given.
- 7. Restrictions pertaining to the type and use of existing or proposed improvements, waterways, open spaces, building lines, buffer strips and walls, and other restrictions of similar nature, shall require the establishment of restrictive covenants and such covenants shall be submitted with the Final Development Plan for recordation.
- 8. Other documentation necessary to permit satisfactory review under the requirements of this Code and other applicable law as required by special circumstances in the determination of the Planning Administrator.
- 9. The names and addresses, as shown on the most recent ad valorem tax roll, of the owners of all lands situated within five hundred (500) feet of the boundaries of the land proposed to be developed, as certified by the Property Appraiser's office.

D. Development Review Requirements

The application for development review shall include the following:

- 1. A map of vegetative cover including the location and identity by common name of all protected trees. Groups of protected trees may be designated as "clusters" with the estimated total number of trees noted. This information shall be summarized in tabular form and/or depicted graphically on the plan.
- 2. A depiction of the site, and all land within five hundred (500) feet of any property line of the site, showing the locations of environmentally sensitive areas.
- 3. A topographic map of the site clearly showing the location, identification, and elevation of bench marks, including at least one bench mark for each major water control structure.
- 4. A soils map of the site (existing U.S. Soils Conservation Service maps are acceptable).

5. A detailed overall project area map showing existing hydrography and runoff patterns, and the size, location, topography, and land use of any off-site areas that drain onto, through, or from the project area.
6. Existing surface waters bodies, wetlands, streams or canals within the proposed development site, including seasonal high surface water elevations and attendant drainage areas for each.
7. The 100-year flood elevation, minimum required floor elevation and boundaries of the 100-year flood plain for all parts of the proposed development and location of benchmarks for any lots in a flood area.
8. Drainage basin or watershed boundaries identifying location of the routes of off-site water onto, through, or around the project.
9. At the preliminary plat phase a written agreement indicating that a certified professional engineer, licensed in the state of Florida, will prepare a stormwater management plan. The plan and all details must be a part of the final plat and include runoff calculations.
10. A description of the proposed stormwater management system, including:
 - a. The entity or agency responsible for the operation and maintenance of the Stormwater Management System.
 - b. Channel, direction, flow rate, and volume of stormwater that will be conveyed from the site, with a comparison to natural or existing conditions.
 - c. Detention and retention areas, including plans for the discharge of contained waters, maintenance plans, and predictions of surface water quality changes.
 - d. Areas of the site to be used or reserved for percolation including an assessment of the impact on groundwater quality.
 - e. Location of all water bodies to be included in the surface water management system (natural and artificial) with details of hydrography, side slopes, depths, and water-surface elevations or hydrographs.
 - f. Linkages with existing or planned stormwater management systems.

- g. On- and off-site rights-of-ways and easements for the system including locations and a statement of the nature of the reservation of all areas to be reserved as part of the Stormwater Management System.
 - h. A map showing the locations of any soil borings or percolation tests representative of design conditions in the stormwater management system.
- 11. An erosion and sedimentation control plan that describes the type and location of control measures, the stage of development at which they will be put into place or used, and maintenance provisions.
- 12. The location of off-site water resource facilities such as works, surface water management systems, wells, or well fields that will be incorporated into or used by the proposed project, showing the names and addresses of the owners of the facilities.
- 13. Location, names and widths of existing and proposed streets, highways, easements, buildings lines, alleys, parks, and other public spaces and similar facts regarding adjacent property.
- 14. Proposed Development Activities and Design
 - a. Generally
 - (1) Area and percentage of total site area to be covered by an impervious surface.
 - (2) Grading plans specifically including perimeter grading.
 - (3) Construction phase lines and schedule.
 - b. Buildings and Other Structures
 - (1) Building plan showing the location, dimensions, gross floor area, and proposed use of buildings.
 - (2) Building setback distances from property lines, abutting right-of-way center lines, and all adjacent buildings and structures.
 - (3) Minimum flood elevations of buildings within any 100-year flood plain.

- c. Location of the nearest available public water supply and wastewater disposal system and the proposed tie-in points, or an explanation of alternative systems to be used.
- d. Exact locations of on-site and nearby existing and proposed fire hydrants.
- e. The location of any underground or overhead utilities, culverts and drains on the property and within one hundred (100) feet of the proposed development boundary.
- f. Streets, parking and loading
 - (1) The layout of all streets, bike paths, and driveways with paving and drainage plans and profiles showing existing and proposed elevations and grades of all public and private paved areas.
 - (2) A parking and loading plan showing the total number and dimensions of proposed parking spaces, spaces reserved for handicapped parking, loading areas, proposed ingress and egress (including proposed public street modifications), and projected on-site traffic flow.
 - (3) The location of all exterior lighting.
 - (4) The location and specifications of any proposed garbage demisters.
 - (5) Cross sections and specifications of all proposed pavement.
 - (6) Typical and special roadway and drainage sections and summary of quantities.
- g. Tree removal and protection
 - (1) All protected trees to be removed and a statement of why they are removed.
 - (2) Proposed changes in the natural grade and any other development activities directly affecting trees to be retained.
 - (3) A statement of the measures to be taken to protect the trees to be retained.
 - (4) A statement of tree relocations and replacements proposed.

h. Landscaping

- (1) Location and dimensions of proposed buffer zones and landscaped areas.
- (2) Description of plant materials existing and to be planted in buffer zones and landscaped areas.

15. Signs

- a. Two blueprints or ink drawings of the plans and specifications of regulated signs, and method of their construction and attachment to the building or ground, except those plans for standard signs that have been placed on file with the Planning Official by a licensed sign contractor for standards signs. The plans shall show all pertinent structural details, wind pressure requirements, and display materials in accordance with the requirements of this Code and the building and electrical codes adopted by Jefferson County. The plans shall clearly illustrate the type of sign or sign structure as defined in this Code; the design of the sign, including dimensions, colors and materials; the aggregate sign area; dollar value of the sign; maximum and minimum heights of the sign; and sources of illumination.
- b. For regulated ground signs, a plan, sketch, blueprint, blue line print or similar presentation drawn to scale which indicates clearly:
 - (1) The location of the sign relative to property lines, rights of way, streets, alleys, sidewalks, vehicular access and parking areas and other existing ground signs on the parcel.
 - (2) All regulated trees that will be damaged or removed for the construction and display of the sign.
- c. For regulated building signs, a plan, sketch, blueprint, blue line print or similar presentation drawn to scale which indicates clearly:
 - (1) The location of the sign relative to property lines, rights of way, streets, alleys, sidewalks, vehicular access and parking areas, buildings and structures on the parcel.
 - (2) The number, size, type, and location of all existing signs on the same parcel, except a single business unit in a multiple occupancy complex shall not be required to delineate the signs of other business units.

- (3) A building elevation or other documentation indicating the building dimensions.
16. Amount and location of area to be dedicated or reserved to all existing or proposed land uses, whether private, public, residential or commercial uses and including rights-of-way, easements, special reservations, and the like.
17. Location of on-site wells, and wells within one-thousand (1000) feet of any property line, exceeding one-hundred thousand (100,000) gallons per day.
18. Total acreage in each phase and gross intensity (non-residential) and gross density (residential) of each phase.
19. Number, height and type of residential units.
20. Floor area, height and types of office, commercial, industrial and other proposed uses.

E. Environmentally Sensitive Area Requirements

1. The exact sites and specifications for all proposed drainage, filling, grading, dredging, and vegetation removal activities including estimated quantities of excavation or fill materials computed from gross sections, proposed within an environmentally sensitive area.
2. Detailed statement or other materials showing the following:
 - a. The percentage of the land surface of the site that is covered with natural vegetation and the percentage of natural vegetation that will be removed by development.
 - b. The distances between development activities and the boundaries of the environmentally sensitive area.
 - c. The manner in which habitats of endangered and threatened species are protected.

F. Major Review Requirements

1. A Master Plan or Planned Unit Development (PUD) is required for a Major Development, which is to be developed in phases. A Master Plan shall provide the following information for the entire development:
 - a. A development plan for the first phase or phases for which approval is sought.

- b. A development phasing schedule including the sequence for each phase; approximate size of the area in each phase; and proposed phasing of construction of public recreation and common open space areas and facilities.
- c. Total land area, and approximate location and amount of open space included in each residential, office, commercial, and industrial area.
- d. Approximate location of proposed and existing streets and pedestrian and bicycle routes, including points of ingress and egress.
- e. Approximate location and acreage of any proposed public use such as parks, school sites, and similar public or semi-public uses.
- f. A vicinity map of the area within five hundred (500) feet surrounding the site showing:
 - (1) Land use designations and boundaries.
 - (2) Traffic circulation systems.
 - (3) Major public facilities.
 - (4) Municipal boundary lines.

9.02.04 Review of Developments

A. *Procedure.*

- 1. The applicant shall submit the all development plans, applicable fees and supporting documentation pursuant to Section 9.02.03 to the Planning Department by the end of the 1st work day of each month.
- 2. After receipt of the above, the Planning Department shall have fifteen (15) working days to:
 - a. Determine that the application is complete and proceed with the review; or
 - b. Determine that the application is incomplete and inform the applicant of the deficiencies. The applicant must submit a revised application, correcting the deficiencies. An application shall be deemed withdrawn if inactive for 90 (ninety) days.

3. The Planning Department shall then route the application to any applicable agencies within five (5) working days, and review the development plan for compliance with this Code within sixty (60) days.
4. Where the proposed development has been classified as a minor development, including minor subdivisions of five (5) or fewer lots, the following procedure applies:
 - a. The Planning Official shall review the application and prepare a notice of intent to approve, approve with conditions or deny the application based upon the requirements of this Code. A copy of the notice of intent shall be mailed to the owner of all real property included in the application, or to the individual(s) authorized to act as the owner's agent, and to the owners of all owners of real property located within five hundred (500) feet of the lands included in the application. The notice of intent shall be mailed in the same manner as set forth in Section 9.02.07 D. The notice shall identify the proposed development activity, describe the proposed decision of the Planning Official, and advise the recipient that the decision of the Planning Official will become final unless an owner entitled to notice appeals the decision to the Planning Commission within thirty (30) days of the date the notice was received, which is the date indicated on the return receipt.
 - b. If an appeal is filed as provided above, or where the proposed subdivision includes from six (6) to ten (10) lots, the Planning Commission shall consider the application at a scheduled public hearing, which has been noticed pursuant to the requirements of Section 9.02.08. In reviewing the application, the Planning Commission shall consider the written recommendation of the Planning Official and shall determine whether the proposed development specified in the application meets the provisions of this Code. The Planning Commission shall approve, approve with conditions, or deny the application.
 - c. Written notification of the Planning Commission decision including factual and legal basis therefore shall be mailed to the applicant and filed with the Planning Department.
5. The Planning Commission shall consider the application at a scheduled public hearing, which has been noticed pursuant to the requirements of Section 9.02.08. In reviewing the application, the Planning Commission shall consider the written recommendation of the Planning Official and shall determine whether the proposed development specified in the application meets the provisions of this Code. The Planning Commission shall approve, approve with conditions, or deny the application.

6. Written notification of the Planning Commission decision including factual and legal basis therefore shall be mailed to the applicant and filed with the Planning Department.

B. Review for Major or Phased Development

A Master Plan or Planned Unit Development (PUD) for the entire development site must be approved for a major development that is to be developed in phases. The master plan shall be submitted simultaneously with an application for review of the development plan for the first phase of the development and must be approved prior to approval of the plan for the first phase. The Board of County Commissioners will be the final approval body of a preliminary plat for a major development or PUD. A final development plan must be approved for each phase of the development prior to the approval of building permits under the procedures for development review prescribed above. The Planning Commission shall be the final approval body for each phase of a major or PUD Final Development Plans. Each phase shall include a proportionate share of the proposed recreational and open space, and other site and building amenities of the entire development, except that more than a proportionate share of the total amenities may be included in the earlier phases with corresponding reductions in the later phases.

In addition to the review process outlined in section A above, an application for a major or phased development plan shall adhere to the following procedure:

1. Submit any proposed ordinance(s) where the approval of the application requires amendment of the FLUM.
2. After receipt of the above, the Planning Attorney shall have fifteen (15) working days to review any submitted proposed ordinances and issue a written review to the Planning Department to be submitted with the development proposal.
3. Based upon the review by the Planning Attorney and requirements of this Code the Planning Official shall issue a written recommendation approving, approving with conditions or denying the application. In the case of an application for amendment of an Overlay Map, the recommendation shall be only for approval or denial and the procedures shall follow those for a LDC Text amendment outlined in Sections 9.10.05, .06 and .07.
4. The Planning Commission shall consider the application at a scheduled public hearing, which has been noticed pursuant to the requirements of Section 9.02.08. In reviewing the application, the Planning Commission shall consider the recommendation of the Planning Administrator and shall determine whether the proposed development specified in the application meets the provisions of this Code. The Planning Commission shall approve, approve with conditions, or deny the application. The decision on the application shall be forwarded to the Board of County Commissioners for final action.

5. The Board of County Commissioners shall consider the application at a regularly scheduled public hearing, which has been noticed pursuant to the requirements in Section 9.02.08. In reviewing the application, the Board shall consider the recommendations of the Planning Commission and Planning Official and shall determine whether the proposed development specified in the application meets the provisions of this Code. The Board of County Commissioners shall approve, approve with conditions, or deny the application.
6. Notification of the Board of County Commissioner's decision including factual and legal basis therefore shall be mailed to the applicant and filed with the Planning Department.

C. *Expiration.* Development shall commence within one (1) year and may be renewed only once for an equal period of time unless the application specifically requested approval of a development schedule or timetable of events in excess of one (1) year. Development activity shall be continuous and shall not cease for a period greater than 90 days. However, additional extension(s) may be granted by the Planning Commissioners or Board of County Commissioners for a specified period of time for good cause at a public hearing pursuant to Section 9.02.09. Developments under appeal shall also comply with provisions under Section 9.11.07.

D. *Final Approval*

1. After receiving plat-contingent final development plan approval, the developer shall submit to the Planning Department a final plat conforming to the development plan and the requirements of Chapter 177, F.S. within two (2) years. Final plat may be extended for 12 month periods if requested within 90 days of expiration.
2. The Planning Department shall, within fifteen (15) working days of receiving the plat, determine whether the plat conforms to the approved development plan and the requirements of Chapter 177, F.S. If the Planning Department determines that the plat so conforms, it shall place the plat on the next available agenda of the Board of County Commissioners allowing for required notice pursuant to Section 9.02.08. If it does not conform, the Planning Department shall issue by certified mail written an explanation of deficiencies in the plat to the developer and inform him/her that a corrected plat may be resubmitted for approval.
3. Review of the plat by the Board of County Commissioners shall be strictly limited to whether the plat conforms to the approved development plan and the requirements of Chapter 177, F.S. A conforming plat shall be approved and the Planning Department shall forthwith issue the development order allowing development to proceed. The Board of County Commissioners shall return the nonconforming plats to the developer by certified mail with a written explanation of deficiencies and a notice that a corrected plat may be resubmitted for approval.

4. A stormwater management plan that meets Florida Department of Environmental Protection, Suwannee River Water Management District or Northwest Florida Water Management District approval.

9.02.05 Intergovernmental Review

1. Should a proposed development impact adjacent jurisdictions, as determined by the Planning Administrator, the impacted jurisdictions will be notified in writing of the proposed development and given an opportunity to identify specific issues of concern. Such correspondence shall be submitted, along with the Planning Official's recommendation, to the appropriate board approving such development action.

9.02.06 Project Phasing Refer to 9.02.04B

9.02.07 Notice Requirements

All required proposed development notices shall be paid for by the applicant including: newspaper publication, mailing notice to property owners, and signs.

Notice of all public hearings, which are required by a provision of this Code, shall be given as follows, unless expressly stated otherwise.

- A. *Content of Notice.*** Every required notice shall include: the date, time, and place of the hearing; identification of the matter to be considered; identification by street address when available or by a legible map, including section township and range, of properties directly affected; identification of the body conducting the hearing; and a statement that the hearing may be continued from time to time as may be necessary.
- B. *Publication.*** Publication of the notice shall be as follows:
 1. Except as provided in subsections F., G., and H. below, notice of all public hearings, and appeals from a decision, order, requirement, or determination of an administrative officer or board of the County shall be properly advertised in a newspaper of general circulation not more than thirty (30) days nor less than ten (10) days before the date of the hearing.
 2. All required proposed development notices shall be paid for by the applicant.
- C. *Public Inspection.*** A copy of the notice of public hearing shall be available in the Planning Department during regular business hours.
- D. *Mail.*** Except for hearings on Comprehensive Plan amendments, hearings on amendments to the text of this Land Development Code, and hearings on amendments to an Overlay Map, mailed notices shall be provided to specific real property owners within

five hundred (500) feet of the property directly affected by the proposed action and whose address is known by reference to the latest approved ad valorem tax roll. The development applicant shall mail the notices to affected owners. Certified mail post receipts and the list of affected property owners obtained from and certified by the Property Appraiser's Office shall be provided by the applicant to the Planning Department no later than 15 days prior to the Planning Commission public hearing. No action taken at any public meeting to which this notice applies shall be deemed invalid, rescheduled or reconsidered for failure to provide notice by mail unless prompt objection is received from a person entitled to notice hereunder who was not notified as required and did not otherwise receive actual notice nor attended the public meeting at which such action was taken.

- E. *Posting of signs.*** As to any matter for which notice by mail is required as provided in Subsection D above, notice shall also be posted as provided herein. A minimum of thirty (30) days before the public meeting, a minimum of two signs shall be posted identifying the affected parcel; notifying residents of the area that a matter is pending which may affect the use of the parcel; and providing an address and telephone number to contact for additional information. The signs shall be yellow with black lettering, at least 48 inches by 48 inches in size, and shall state the acreage and general nature of the proposed action. The signs shall state "NOTICE" at the top in at least 4.8 inches Arial font type followed by font type face of at least 2.2 inches. One sign shall be prominently posted at each corner of the property boundary that intersects with the access roadway. Additional signs may be required at the discretion of the Planning Official.
- F. *Amendments to Overlay Map and Code Text.*** Notwithstanding anything in this Section to the contrary, hearings before the Board of County Commissioners on amendments to an Overlay Map, with no change to the underlying Land Use District, shall be held, and notice shall be given, in accordance with the requirements of Florida Statutes, Section 125.66(6).
- G. *Comprehensive Plan Amendments.*** Notwithstanding anything in this Section to the contrary, hearings before the Planning Commission and Board of County Commissioners on County government initiated amendments to the Comprehensive Plan, including the Future Land Use Map, shall be held, and notice shall be given, in accordance with the requirements of Florida Statutes, Section 163.3184 (15). All other amendments to the Comprehensive Plan, including the Comprehensive Plan Future Land Use Map, shall be subject to all notice requirements of this Section in addition to the notice requirements of Florida Statutes, Section 163.3184(15), and, in addition, the published notice of public hearings before the Planning Commission concerning such amendments shall also include a geographic location map as described in Florida Statutes

Section 125.66(4)(a)2 in the same manner as is required for public hearings on Comprehensive Plan amendments before the Board of County Commissioners'.

9.02.08 Public Hearings

- A. *Setting the Hearing.*** When the Planning Official determines that an application is complete, he/she shall notify the appropriate decision making body so a public hearing may be set and notice given in accordance with Section 9.02.07 of this Code.
- B. *Examination and Copying of Application and Other Documents.***
Any time after the provision of notice, any person may examine the application or petition in question, and the material submitted in support or opposition to the application or petition in the Planning Department during regular business hours. Any person shall be entitled to obtain copies of the application or petition and other materials upon reasonable request and payment of a fee to cover the actual costs of providing such copies.
- C. *Conduct of the Hearing.***
1. **Rights of All Persons.** Any person may appear at a public hearing, or may be represented by counsel or agent, and may submit documents, materials, and other written or oral testimony either individually or as a representative of an organization. Each person who appears at a public hearing shall identify himself, his address, and state the name and mailing address of any organization he represents. The body conducting the public hearing may place reasonable time restrictions on the presentation of testimony and the submission of documents and other materials.
 2. **Continuance of Hearing.** The body conducting the hearing may continue the hearing to a fixed date, time and place.
- D. *Record of the Hearing.***
1. The transcript of testimony, when and if available, the minutes of the Secretary, all applications, exhibits, documents, materials, and papers submitted in any proceeding before the decision making body, the report of the Planning Administrator and the decision and report of the decision making body shall constitute the record.
 2. The body conducting the hearing shall record the proceedings by any appropriate means; upon request of any person to the Planning Official and payment of a fee to

cover the cost of transcription, the record may be transcribed and a copy provided to that person. If a sound recording is made, any person shall be entitled to listen to the recording at any reasonable time, or make copies at his/her own expense, at the Planning Department.

3. Any person shall be entitled to examine the record, at a reasonable time, or make copies at his own expense, at the Planning Department.
4. Any person who has standing in the hearing and may need an official transcript of the hearing must provide their own stenographer and /or recording. The copy in the Planning Office cannot be guaranteed to be of a quality for further official use.

E. Action by Decision Making Body. The decision making body shall render its decision within a reasonable time, unless stated otherwise in this Code.

F. Notification. Notification of the final decision on an application shall be mailed to the applicant. A copy of the final decision shall be filed in the Planning Department

9.02.10 Required Contents of Development Orders

A. Preliminary Development Order. A preliminary development order shall contain the following:

1. An approved preliminary development order (may be subject to conditions and modifications) with findings and conclusions.
2. A listing of conditions that must be met, and modifications to the preliminary development plan that must be made, in order for a final development order to be issued. The modifications shall be described in sufficient detail and exactness to permit a developer to amend the proposal accordingly.
3. A listing of federal, state, and regional permits that must be obtained in order for a final development order to be issued.
4. With regard to the concurrency management requirements in Article Three:
 - a. The determination of concurrency.
 - b. The time period for which the preliminary development order is valid.

B. Final Development Order. A final development shall contain the following:

1. A determination that, where one was required, a valid preliminary development order exists for the requested development.
2. An approved final development plan with findings and conclusions.

3. A determination that all conditions of the preliminary development order have been met.
4. If modifications must be made to the development plan before a final development order may be issued, a listing of those modifications and the time limit for submitting a modified plan.
5. A specific time period during which the development order is valid and during which time development shall commence. A final development order shall remain valid only if development commences and continues in good faith according to the terms and conditions of approval.

9.02.11 Guarantees and Sureties

A. Applicability.

1. The provisions of this Section apply to all proposed developments in Jefferson County, including private road subdivisions.
2. Nothing in this Section shall be construed as relieving a developer of any requirement relating to concurrency in Article Three of this Code.
3. This Section does not modify existing agreements between a developer and the County for subdivisions platted and final development orders granted prior to December 13, 1990, providing such agreements are current as to all conditions and terms thereof.

B. Improvements Agreements Required. The approval of any development plan shall be subject to the developer providing assurance that all required improvements, including, but not limited to storm drainage facilities, streets and highways, water and sewer lines, shall be satisfactorily constructed according to the approved development plan. The following information shall be provided:

1. Agreement that all improvements, whether required by this Code or constructed at the developer's option, shall be constructed in accordance with the standards and provisions of this Code.
2. The term of the agreement indicating that all required improvements shall be satisfactorily constructed within the period stipulated. The term shall not exceed five (5) years from the recording of the plat or thirty percent (30%) occupancy of the development, whichever comes first. Not complying means the Development Permit is null and void for the portion of the development that has not had the improvements built.

3. The projected total cost for each improvement. Cost for construction shall be determined by either of the following:
 - a. Estimate signed and sealed by the applicant's professional engineer registered to legally practice in Florida.
 - b. A copy of the executed construction contract provided.
4. Specification of the public improvements to be made and dedicated together with the timetable for making improvements.
5. Agreement that upon failure of the applicant to make the required improvements (or to cause them to be made) according to the schedule for making those improvements, the County shall utilize the security provided in connection with the agreement.
6. Provision of the amount and type of security provided to ensure performance.
7. Provision that the amount of the security may be reduced periodically, but not more than two (2) times during each year, subsequent to the completion, inspection and acceptance of improvements by the County Engineer.

C. Amount and Type of Security.

1. The amount of the security listed in the improvement agreement shall be approved as adequate by the County Engineer.
2. Security requirements may be met by but are not limited to the following:
 - a. Cashiers check
 - b. Certified check
 - c. Developer/Lender/County Agreement
 - d. Interest Bearing Certificate of Deposit
 - e. Irrevocable Letters of Credit
 - f. Surety Bond
3. The amount of security shall be one hundred and ten (110%) percent of the total construction costs for the required developer-installed improvements. The amount of security may be reduced commensurate with the completion and final

acceptance of required improvements. In no case, however, shall the amount of the bond be less than one hundred and ten (110) percent of the cost of completing the remaining required improvements.

D. Completion of Improvements.

1. When improvements are completed, final inspection shall be conducted and corrections, if any, shall be completed before final acceptance is recommended by the County Engineer. A recommendation for final acceptance shall be made upon receipt of a certification of project completion and one (1) copy of all test results.
2. As required improvements are completed and accepted, the developer may apply for release of all or a portion of the bond consistent with the requirement in Section 9.02.11(B)(7) above.

E. Maintenance of Improvements.

1. A maintenance agreement and security shall be provided to assure Jefferson County that all required improvements shall be maintained by the developer according to the following requirements:
 - a. The period of maintenance shall be a minimum of three (3) years.
 - b. The maintenance period shall begin with the acceptance by the County of the construction of the improvements.
 - c. The security shall be in the amount of fifteen percent (15%) of the construction cost of the improvements.
 - d. The original agreement shall be maintained by the Planning Department
2. Whenever a proposed development provides for the creation of facilities or improvements which are not proposed for dedication to the County a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and/or improvements.
 - a. When the proposed development is to be organized as a condominium under the provisions of Chapter 718, F.S., common facilities and property shall be conveyed to the condominium's association pursuant to that law.
 - b. When no condominium is so organized, an owners' association shall be created, and all common facilities and property shall be conveyed to that

association. The Owners Association shall be required to maintain a non-profit corporation, which shall:

- 1). Have a method for calling meetings and a system to make a decision if a majority of the members cannot be properly assembled.
 - 2). Have a fee schedule for the conducting of its activities.
 - 3). Have an organizational structure for the association.
- c. No development order shall be issued for a development for which an owners' association is required until the documents establishing such association have been reviewed and approved by the Planning Attorney.
3. An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to Jefferson County shall be created by covenants running with the land. Such covenants shall be included with the final plat. Such organization shall not be dissolved nor shall it dispose of any common facilities or open space by sale or otherwise without first offering to dedicate the same to the County.

9.03.05 Provision of Open Space

- A. **Generally.** The provision of open space within subdivisions shall be accomplished either through dedication of open space or donation of a fee-in-lieu of open space as described below.
- B. **Mandatory Dedication.** As a condition for approval of a preliminary plat, a dedication shall be made by the developer of open space. New residential developments of fifty (50) or more units shall dedicate parkland at the rate of five (5) acres per thousand (1000) acres to provide local facilities. This requirements may not be waived, but may be substituted by a fee-in-lieu for the purchase of open space by the County.
- C. **Fee-In-Lieu.** Where the required dedication of open space is not feasible, a fee shall be charged to the developer equivalent to the market value of the required dedication, pursuant to the formula given in 9.03.05 (B) above.

9.03.06 Private Unrecorded Subdivisions

Any subdivision of land made prior to December 13, 1990 is considered vested from the subdivision requirements hereof and may be utilized and permitted for any legal purpose allowable by this code. Any subdivision of land after December 13, 1990, which did not received approval required by the subdivision standards of this code, and is not otherwise allowed or vested by another provision hereof, is considered an illegal subdivision of land. No permits or approvals of any kind shall be issued by the County for any lot or parcel created by

an illegal subdivision of land, until such subdivision is approved in accordance with the subdivision requirements of this code. Nothing herein shall be construed as relieving any vested subdivision of land made prior to December 13, 1990, from any other legal requirement of this code, and any development on such vested parcels, including the further subdividing thereof, shall be strictly in accordance with the requirements of this code.

9.04.00 *DEDICATION AND OTHER DISPOSITION OF RIGHT-OF-WAY AND COMMON LANDS*

9.04.01 Acceptance by Board of County Commissioners

Approval of subdivision plans and plats by the Planning Administrator or the Planning Commission shall not constitute or effect an acceptance of the dedication of any street or any other ground shown upon the plat. The authority to accept dedications of land for whatsoever purpose shall be exercised exclusively by the Board of County Commissioners.

9.05.00 *MINOR REPLAT*

9.05.01 Review by Planning Department

- A. Generally.** The Planning Official may approve a minor replat, pursuant to the definition of such in Section 9.00.03, that conforms to the requirements of this Section.
- B. Submittals.** The Planning Official shall consider a proposed minor replat upon the submittal of the following materials:
 - 1. An application form provided by the Planning Department;
 - 2. A plat of the proposed re-subdivision suitable for recording in the Plat Book in conformance with all applicable regulations;
 - 3. A statement indicating whether water and/or sanitary sewer service is available to the property; and
 - 4. Land descriptions and acreage or square footage of the original and proposed lots and a scaled drawing showing the intended division shall be prepared by a professional land surveyor registered in the State of Florida.
- C. Review Procedure.**
 - 1. The Planning Department shall transmit a copy of the proposed minor replat to any other appropriate departments of the County for review and comments.

2. If the proposed minor replat meets the conditions of this Section and otherwise complies with all applicable laws and ordinances, the Planning Official shall approve the minor replat by signing the application form.

D. Recordation. Upon approval by the Planning Official of the minor replat,

1. For unrecorded plats: the Planning Department shall record the replat in the Official Records of Jefferson County with appropriate maps and legal descriptions at the developer's expense.
2. For recorded plats: the applicant shall have a record plat prepared by a registered surveyor in accordance with Chapter 177, F.S. The plat submitted for recording shall state that the replat is for lot reconfiguration only and no dedication or acceptance by the County is required or implied. The Planning Official shall present the plat for an approval signature by the Chairman of the Board of County Commissioners.

9.05.02 Standards and Restrictions

A. Standards. All minor replats shall conform to the following standards:

1. Each proposed lot must conform to the requirements of this Code.
2. Each lot shall abut a public or private street (except as hereinafter provided) for the required minimum lot dimensions for the land use district where the lots are located.
3. If any lot abuts a street right-of-way that does not conform to the design specifications provided in, or adopted by reference in, this Code, the owner may be required to dedicate one-half (2) the required right-of-way width necessary to meet the minimum design standards. If the development is on both sides of the right-of-way then the full width for the right-of-way can be required from the developer.

B. Restriction. No further division of an approved minor replat is permitted under this Section, unless a development plan is prepared and submitted in accordance with this Article.

9.05.03 Family Member Subdivisions

The Comprehensive Plan allows for the dividing of land among the immediate family members of that owner. This can be done among the immediate family of the owner. Immediate family is limited to Grandparents, Parents, Brothers and Sisters, Children, and Grandchildren.

- A. The division must be done all at one time if the new parcels are to be smaller than what is allowed by the existing land use designation of the area. Once a division has been done on a

parcel to a size smaller than normally allowed no other divisions may be done on the new parcels.

- B. If the division is for parcels smaller than allowed by the designated land use area, the parcel must have been the homestead of the applicant on or before December 13, 1990. Parcels created after 1990 may not be divided smaller than allowed by the existing land use designation area size.
- C. When the division is processed a copy of the deeds must be filed with the Jefferson County Planning Department in order to allow development permits to be issued to the new owners.
- D. The division shall not include lots or parcels to be sold. If lots are to be sold the owner must apply for a subdivision permit and meet the designated density for the area on all lots.
- E. No parcel may be subdivided for transfer to a family member unless the subdivision has first received the approval of the Planning Official and it has been established that the proposed subdivision is consistent with all other applicable provisions of the Comprehensive Plan and Land Development Code.
- F. No parcel in existing platted subdivision may be further subdivided for a family member.

9.06.00 *RIGHT OF WAY ABANDONMENT AND PLAT VACATION*

9.06.01 Authority and Applicability

- A. Any dedication or conveyance of real property for the purpose of streets, rights-of-way, access, ingress and egress, utilities and drainage which has been made on or by a plat, easement, deed, or other instrument of any kind which instruments have been approved by the Board of County Commissioners for filing of record in the Official Records of Jefferson County or which instruments conveys any interest in real property to the Board of County Commissioners for the purposes of the vacation, annulment, and/or abandonment of plats, or portions thereof, rights-of-way, and easements for utility and drainage purposes.
- B. The provisions of this Section shall apply to all plats, rights-of-way and easements under the jurisdiction and control of the Board of County Commissioners.
- C. The procedures set forth in this Section shall apply to applications pursuant to Section 177.101(1) and (2), F.S., and to all applications for vacating plats, or any portions thereof, including public easements, pursuant to Section 177.101(3), F.S. Any petition to vacate a plat, or portion thereof, which plat, or portion thereof, contains private rights-of-way shall not require a public hearing; provided, however, that a public hearing shall be required if the petition site includes a County right-of-way or public easement for drainage purposes which services a County right-of-way.

9.06.02 Petitioners

- A. Petitioners for Abandonment of Plats.** Any person, governmental entity or business entity desiring to abandon a plat, or any portion thereof, including public easements, shall be required to make application to the County pursuant to Section 177.101, F.S., and the provisions of this Section. The application shall be on a petition form prescribed by the Planning Department and the information contained therein shall be verified by the petitioner under oath. Unless initiated by the County, the petition shall be signed by all owners of any portion of the petition site.
- B. Petitions for Abandonment of Rights-of-Way.** Any person, governmental entity or business entity desiring to abandon the public's interest in and to any right-of-way shall be required to make application to the County pursuant to this Section. Unless initiated by the County, any petition for abandonment of rights-of-way shall be signed by all owners of abutting property.
- C. Application Fee.** The application fee shall be determined in accordance with Section 9.12.00.

9.06.03 Access to Water

No right-of-way, road, street, or public access way giving access to any publicly accessible waters in the County, shall be closed, vacated or abandoned except in those instances wherein the petitioner(s) offers to trade or give to the County comparable land or lands for a right-of-way, road, street or public access way to give access to the same body of water, such access to be of such condition as not to work a hardship to the users thereof, the reasonableness of the distance and comparable land being left to the discretion of the Board of County Commissioners.

9.06.04 Notice of Intent to File Petition to Vacate a Plat

Immediately prior to filing the petition to vacate a plat with the Planning Department, the petitioner shall cause to be published a notice of intent in a newspaper of general circulation in the County once weekly for two (2) consecutive weeks. Such notice of intent shall state the intent of the petitioner to file a petition pursuant to this Section and in Chapter 177, F.S.

9.06.05 Petition Application Procedures

In addition to any other information, the petition shall contain the following:

- A. Legal Description of Petition Site.** A complete and accurate legal description of the petition site.
- B. Type of Petition.** A statement identifying the type of petition, the source of the County's or public's interest, together with a reference to the recording information for the petition site. The type of petition may be for abandonment of:

1. A plat;
 2. A portion of a plat;
 3. A County right-of-way;
 4. The public's interest in a private right-of-way; or
 5. A public easement.
- C. Location Map.** A drawing measuring not less than eight (8) inches by fourteen (14) inches and not larger than eleven (11) inches by seventeen (17) inches which clearly and legibly identifies the location of the petition site in relation to the nearest public right-of-way, including the petition site, and all affected properties. The location map may be located on the survey in a separate block.
- D. Access to Affected Property.** The petition shall contain a statement that to the best of the petitioner's knowledge, the granting of the petition would not affect the ownership or right of convenient access of persons owning other parts of the subdivision.
- E. Federal or State Highway Statement.** The petitioner shall certify that the petition site, or any portion thereof, is not a part of any state or federal highway and was not acquired or dedicated for state or federal highway purposes.
- F. Evidence of Title.** The petition shall state the source of petitioner's ownership or interest in and to the petition site, and a reference to the recording information for same. A copy of the source instrument shall be certified by the Clerk of the Circuit Court and attached to the petition.
- G. Evidence of Taxes Paid.** The petition shall state that all state, municipal and County taxes on the petition site have been paid. The certificate(s) of the Tax Collector's Office showing payment of same (as payment is defined in Section 177.101.4, F.S.) shall be attached to the petition. If the petition site or any portion thereof is tax-exempt, the petition shall so state and a copy of the tax roll from the Tax Collector's Office which shows such exemption shall be attached to the petition.
- H. Municipal Resolution.** The petition shall state whether the petition site lies within the corporate limits of a municipality, within the unincorporated area, or both. If any portion of the petition site lies within the corporate limits of a municipality, the municipality shall first abandon its interest in the petition site by appropriate resolution, and a certified copy of the municipal resolution shall be attached to the petition.
- I. Fees.** The petition shall state whether the petition site is subject to the application fee, the amount of the fee, and that the fee is submitted herewith.

- J. Justification.** The petition shall detail the relevant reasons in support of the request and granting of the petition.

9.06.06 Review of Petition

- A. Review and Notification.** Each petition shall be reviewed by the Planning Official, and any governmental agency or affected County Office. Upon receipt, the Planning Official shall distribute the petition to the reviewing departments and agencies. Within twenty (20) days of receipt of the petition, the reviewing departments and agencies shall submit a written report containing its findings and recommendations to the Planning Administrator. Upon receipt of all written reports, the Planning Official shall review the petition and reports and shall notify the petitioner in writing of any reasonable conditions to be performed prior to forwarding the petition and reports pursuant to paragraph (B) below. Within sixty (60) days of receipt of the Planning Official's notification, the petitioner shall either comply with, agree and commit in writing to the conditions, or disagree in writing to the conditions. Failure to respond to the Planning Administrator's notification may result in a recommendation to deny the petition by the Planning Administrator.
- B. Review by Board of County Commissioners.** After expiration of the sixty-day period above or sooner, if conditions are not imposed, or, if imposed, are responded to by the petitioner in the manner set forth above, the Planning Administrator shall forward the petition together with his/her findings and recommendations of same to the Board of County Commissioners for their review in accordance with this Section. The Planning Administrator shall set the petition for public hearing in accordance with Section 9.02.09(A) unless the petition is not subject to a public hearing. If a public hearing is not required, upon its review, the Board shall adopt a resolution either approving or denying the petition. The Board may reject a petition if a petition covering the same lands had been considered at any time within six (6) months of the date the later petition is submitted.

9.06.07 Public Hearing of Petitions for Abandonment of County Rights-of-Way and Public Easements for Drainage of County Rights-of-Way

- A. Generally.** Pursuant to Section 336.10, F.S., a public hearing shall be held for any petition for abandonment which affects County right-of-way and public easements for drainage, which service a County right-of-way.
- B. Time and Place of Hearing.** The Board of County Commissioners hereby exercises their authority, as set forth in Florida Statutes Section 336.09, by authorizing and directing the Planning Administrator to establish a definite time and place to hold the public hearing required by Section 336.10, F.S. and this Section and to publish the notice of the hearing.
- C. Publication of Notice of Public Hearing.** Advertisement of such public hearing shall be as set forth in Section 9.02.08.

- D. Posting of Notice of Public Hearing.** The Planning Administrator shall notify the petitioner of the date and time of the public hearing and shall direct the petitioner to post the property with a notice of petition to vacate. The petitioner shall place the notice in a conspicuous and easily visible location, abutting a public thoroughfare when possible, on the subject property at least ten (10) days prior to the public hearing.
- E. Mailing of Notice of Public Hearing.** The petitioner shall mail a copy of the notice of public hearing to all affected property owners as described in Section 9.02.08(D).
- F. Notice of Adoption of Resolution.** If the County Commission shall, by resolution, grant the petition, notice thereof shall be published one (1) time within thirty (30) days following the date of adoption of such resolution in a newspaper of general circulation published in the County. The proof of publication of the notice of public hearing, and the proof of publication of the notice of the adoption of the resolution, and a copy of the resolution shall be recorded in the Public/Official Records.

9.06.08 *Recordation of Resolution*

Upon adoption of a resolution approving a petition, a certified copy of same shall be filed in the Public Records in accordance with Section 177.101 or Section 336.10, F.S., whichever is applicable.

9.06.09 *Effect of Recording Resolution of Abandonment*

- A.** For County rights-of-way, upon the recordation of the proof of publication of notice of public hearing, proof of publication of the notice of adoption of the resolution, and a copy of the resolution in the Public Records, the interest of the right-of-way so closed shall be vested in accordance with provisions of Section 336.12, F.S.
- B.** For plats, or portions thereof, recordation in the Public Records of resolutions approving abandonment of a plat or a portion thereof shall have the effect of vacating all streets and alleys in accordance with Section 177.101(5), F.S., and shall either return the vacated property to the status of unplatted acreage or shall vacate the first plat in accordance with Section 177.101(1) or (2), F.S., as applicable.

9.07.00 *VARIANCES*

For a discussion of variance procedures, see Section 7.02.00 of this Code.

9.08.00 *SPECIAL EXCEPTIONS*

9.08.01 *Pre-Application Conference*

Prior to filing for a special exception, the developer shall meet with the Planning Official to discuss the special exception review process. No person may rely upon any comment concerning a proposed special exception, or any expression of any nature about the proposal

made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form. The pre-application conference may be waived at the option of the Planning Official.

9.08.02 Designation of Special Exceptions

- A. **Generally.** For purposes of these review procedures, all special exceptions shall be designated by the Planning Official. The Planning Official's determination shall be supported by written findings.

9.08.03 Application and Submittals

- A. **Application.** Applications for special exception review shall be available at the Planning Department. A completed application shall be signed by all owners, or their agent(s), of the project subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by owners. In case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal.

B. **Submittals.**

1. An application for special exception shall be submitted concurrently with a development plan (whether major or minor) and shall include all submittal requirements identified as general plan, development review, and environmentally sensitive area requirements pursuant to Section 9.02.02 of this Code, and in addition, a traffic impact study pursuant to the requirements of Section 9.08.06.

9.08.04 Review

A. **Procedure**

1. The applicant shall submit the special exception application simultaneously with the development plan and supporting documentation.
2. After receipt of the above, the Planning Department shall have fifteen (15) working days to:
 - a. Determine that the application for special exception is complete and proceed with the review; or
 - b. Determine that the application is incomplete and inform the applicant of the deficiencies. The applicant must submit a revised application correcting the deficiencies within forty-five (45) days, to proceed with the review.

3. The Planning Department shall then route the application to any applicable County agencies and agencies requesting review pursuant to Section 9.02.06 within two (2) working days, and review the special exception for compliance with this Code within thirty (30) days.
4. Within three (3) days of the completion of the review, the Planning Administrator shall issue a recommendation approving, approving with conditions or denying the application based upon the requirements of this Code.
5. The Planning Commission shall consider the application at a regularly scheduled public hearing, which has been noticed pursuant to the requirements of Section 9.02.08. In reviewing the application, the Planning Commission shall consider, in addition to the recommendation of the Planning Administrator and other provisions of this Code, whether satisfactory provision and arrangement have been made concerning the following issues, each of which has applicable performance standards as described in Section 9.08.05:
 - a. On-site and off-site impacts associated with the proposed trip generation;
 - b. Ingress and egress to the property and the proposed structures thereon, with particular reference to automotive and pedestrian safety, traffic flow and control, and access in case of fire or catastrophe;
 - c. Drainage;
 - d. Water quality;
 - e. Visual appearance;
 - f. Mitigation of impact and avoidance of environmentally sensitive lands;
 - g. Noise;
 - h. Signage;
 - i. Air quality;
 - j. Potential incompatibility of the use with surrounding uses or structures.
 - k. Other impacts associated with the Special Exception affecting the public health, safety or welfare.

The Planning Commission shall approve, approve with conditions, or deny the application. The special exception approval shall be conditioned on the approval of the concurrent major or minor development plan. Conversely, the concurrent major or minor development plan approval shall be conditioned on the approval of the special exception. The decision on the application shall be forwarded to the Board of County Commissioners for final action.

7. The Board of County Commissioners shall consider the application at a regularly scheduled public hearing, which has been noticed pursuant to the requirements of Section 9.02.08. In reviewing the application, the Board shall consider the recommendations of the Planning Commission and Planning Administrator and shall determine whether the proposed development specified in the application

meets the provisions of this Code. The Board of County Commissioners shall approve, approve with conditions, or deny the application.

8. Notification of the Board of County Commissioner's decision shall be mailed to the applicant and filed with the Planning Department.

- B. **Expiration.** At the time of granting a special exception, a time shall be set in which the development shall be commenced or finished or both. Extensions of such time or times shall be granted upon due cause shown.

9.08.05 Performance Standards

- A. **Generally.** The following performance standards relate to the list of issues given in Section 9.08.04 (A)(5) of this Code.
- B. **Traffic Impact.** Special Exceptions are required to submit a traffic impact study, following the outline given in Section 9.08.06 below, with the intent of identifying specific on-site and off-site impacts associated with the project.
- C. **Ingress and Egress.** These issues shall be addressed in the above traffic impact study.
- D. **Drainage.** Special Exception applications are required to meet the requirements of Section 5.06.00 of this Code.
- E. **Water Quality.** Special Exception applications are required to meet the requirements of Section 3.03.02 (C-D) of this Code. In addition, the applications shall comply with any state provisions related to water quality and monitoring including, but not limited to 17-25 and 17-61, F.A.C. and any amendments thereto.
- F. **Visual Appearance.** All projects shall provide additional buffering equivalent to a one letter category (i.e. from "B" to "C") pursuant to the landscaping requirements of Section 2.05.02 of this Code. In addition, those projects whose boundaries are the boundaries of the Mixed Use - Interchange Business land use district, shall provide, at a minimum, the maximum landscaped buffer (i.e. "D") along the affected boundaries, pursuant to the requirements of Section 2.05.02 of this Code.
- G. **Mitigation and Avoidance of Environmentally Sensitive Lands.** Where environmentally sensitive lands are encountered, such lands shall be identified pursuant to the submittal requirements listed above and shall meet the requirements of Article Four of this Code. All attempts shall be made during the special exception process to avoid impacting these areas. When impact is unavoidable, compensatory mitigation shall be performed, subject to the following requirements:
 1. The created, enhanced or restored environmentally sensitive areas must be of the same type as the destroyed or degraded environmentally sensitive area; and,

2. If a project is not otherwise permit able under the provisions of this Code, the provision of compensatory mitigation shall not be the sole basis for permitting the project; and,
3. A developer of a compensatory mitigation plan shall grant a conservation easement under section 704.06, F.S., on a newly created environmentally sensitive area to protect it from future development; and,
4. Compensatory wetland mitigation shall require that the amount of wetlands created, enhanced, or restored be large enough to assure that the amount of wetlands destroyed or degraded will be completely and successfully replaced. The following minimum ratios of replacement to destroyed wetlands shall be presumed to provide reasonable assurances for type-to-type mitigation:

Hardwood Swamps	2.5:1
Reverie Cypress	2.5:1
Cypress Pond	2.5:1
Freshwater Marsh	1.5:1

- H. Noise.** As a condition for approval of the special exception, a statement shall be incorporated as part of the development order to the effect that sound levels emanating from the site shall not exceed a level of 55 decibels between 10 p.m. and 7 a.m. and 65 decibels between 7 a.m. and 10 p.m.
- I. Signage.** Notwithstanding the requirements of Article Six of this Code, no accessory signs shall be allowed.
- J. Air Quality.** All sources of air pollution shall comply with rules set forth by the Environmental Protection Agency (Code of Federal Regulations, Title 40), and the Florida Department of Environmental Regulations (Chapter 17-2, F.A.C.).
- K. Compatibility.** The applicant shall identify all surrounding land uses and structures within five hundred (500) feet of the proposed development as to which the special exception is requested. Uses which may, in the judgement of the County, come into conflict over time, or which may, in the judgement of the County, have an adverse effect on property values, may be regarded as incompatible. The County may deny any special exception use, which the County determines, is potentially incompatible with adjacent and surrounding land uses, if such potential incompatibility is not adequately mitigated.
- L. Additional Conditions.** In the granting of any Special Exception, the County may order such additional conditions, which the County determines to be reasonably necessary to protect the public health, safety or welfare.

9.08.06 Traffic Impact Study

Traffic impact studies shall, to the maximum extent possible, use the ITE report entitled: "Traffic Access and Impact Studies for Site Development: A Recommended Practice," as may be amended, as a guide in the preparation of such studies. However, any deviation from this guide, especially as it relates to report format and contents, shall be approved by the Planning Official.

9.08.07 Appeals

Appeals from decisions of the Planning Department, Planning Commission or Board of County Commissioners shall be made pursuant to the provisions of Section 9.11.00 of this Code.

9.09.00 DEVELOPMENT PERMITS

9.09.01 Application

Application for a development permit shall be made to the Planning Department on a form provided by the Land Development Office and may be acted upon by the Office without public hearing or notice.

9.09.02 Building and Sign Permits

A. Generally. The erection, alteration, or reconstruction of any building or structure, including signs, shall not be commenced without obtaining a Building Permit from the Building Official or a determination from the Building Official that no permit is required. The erection, alteration, reconstruction, or conversion of any sign shall not be commenced without obtaining a Sign Permit where applicable.

1. Building Permits can only be issued after:
 - a. It is determined by the Planning Department that the structure is to be built in the proper Land Use Area.
 - b. A copy of the Septic Tank Permit is on file if no public sewer is available.
 - c. A Drive Permit or waiver has been issued.
 - d. A registered Professional Engineer or Surveyor has set a base flood elevation for the site if in a flood prone area.
 - e. It is determined by the Building Department that the building plans satisfy requirements of the Florida Building Code and the development order issued by the county.
2. A Certificate of Occupancy for the development cannot be issued unless:
 - a. The Health Department has certified that the septic system is complete.

- b. A Certificate of Elevation is on file if in a flood area.
- c. The development is completed to the standards of the Florida Building Code and any Development Order approved by the County.

B. Time Limitation of Building Permits.

1. Building Permits shall expire and become null and void if work authorized by such permits is not commenced, having called for and received a satisfactory inspection, within six (6) months from the date of issuance of the permit, or if the work is not completed within one year from the date of issuance of the Building Permit, except that the time may be extended by the Building Official, subject to compliance with the provisions of Section 3.01.02, if any of the following occur:
 - a. A time schedule has been submitted and approved by the Building Official, predicated upon customary time for construction of similar buildings, prior to the issuance of the Building Permit, indicating completion of construction in excess of one year; or
 - b. The developer furnishes the Building Official satisfactory evidence in writing that the delay is due to the unavailability of construction supplies or materials, and every effort has been made to obtain substitute materials equal to those called for in specifications; or
 - c. The delay is due to delay in delivery of construction supplies or materials; or
 - d. The delay is due to fire, weather conditions, civil commotion or strike or due directly or indirectly to pendency of judicial or quasi-judicial proceeding. Increased costs of building materials or supplies or financial hardship shall not be considered by the Building Official as cause for continuation of a Building Permit. Subject to the provisions of Article Three, Section 3.01.02, Expiration of Certificate of Concurrency, the time may be extended by the Building Official.
2. In order to continue construction once a Building Permit becomes null and void or expires, the permittee shall reapply and obtain a new Building Permit covering the proposed construction before proceeding with construction. The permittee shall comply with all regulations in existence at the time application is made for a new Building Permit.
3. Except as provided in Section 1.08.00, any Building Permit issued prior to the effective date of this Code shall expire and become null and void eighteen (18) months from the date of issuance thereof unless construction is delayed for

reasons enumerated in Section 9.09.02(B)(1), and the contractor so notifies the Building and Planning Department in writing in accordance with Section 9.09.02(B)(1) provided, a schedule may be submitted for approval within thirty (30) days from the effective date of this Code for any construction presently underway requiring in excess of eighteen (18) months to complete.

4. Signs must be placed within six (6) months of obtaining the permit or the permit is voided and a new permit must be issued unless the permit is extended by the Building Official. Final inspection must be called for by the applicant within the six (6) month time period, or the permit is voided. Identification numbers issued with Sign Permits must be displayed on the sign itself. Sign permits need not be renewed as long as the sign exists in its approved form in the same location.
5. Licensed real estate brokers or contractors may obtain multiple permits for signs with each sign requiring a permit.

9.09.03 Driveway Permits

- A. **Generally.** Any person seeking to construct or reconstruct any curb cut or driveway on any County maintained public road in the unincorporated areas of the County shall submit a permit application to the County Road Department.
- B. **Procedure.** No building permits will be issued until a drive way permit or waiver is issued by the Road Department.

9.09.04 Temporary Use Permits

- A. **Generally.** Temporary uses and structures are permitted subject to the standards hereinafter established provided that a permit for such use or structure is obtained from the Planning Department. Temporary real estate sales offices and construction trailers located on the same parcel as the development may be approved as part of a Building Permit application. Temporary sales offices in new subdivisions must comply with the Standard Building Code and the parking area must comply with the landscaping regulations of this Code. One or more construction trailers may only be permitted for a specified period of time provided they are located off the public right-of-way. Construction trailers are not required to comply with Building Code requirements. However, the building must provide reasonable safety for the intended use and additional permits for electrical or plumbing shall be obtained as necessary to serve the temporary building.
- B. **Permissible Temporary Uses and Structures.** Permissible temporary uses and structures requiring a Temporary Use Permit include the following:
 1. Indoor and outdoor art and craft shows, bazaars, carnivals, revivals, circuses, sports events, and exhibits provided that no more than six (6) events of a maximum of five (5) days each are conducted on the same property during any calendar year.

2. Christmas tree sales provided that no such use shall exceed sixty (60) days.
3. Other temporary uses and structures which are, in the opinion of the Planning Official, consistent with the Comprehensive Plan and the provisions of this Code.

9.10.00 PLAN AND CODE AMENDMENTS

9.10.01 State Law Controlling

The procedures in this part shall be followed in amending this Code and the Comprehensive Plan. This part supplements the mandatory requirements of state law, which must be adhered to in all respects.

9.10.02 Application

A. Generally. Any person, board or agency may apply to the Planning Department to amend this Code or the Comprehensive Plan in compliance with procedures prescribed by this Code.

B. Submittals.

1. **Generally.** The application shall include the following information:
 - a. The applicant's name and address;
 - b. If the application requests an amendment to the text of this Code, the precise wording of any proposed amendments to the text of this Code shall be provided;
 - c. A statement describing any changed conditions that would justify an amendment;
 - d. A statement describing why there is a need for the proposed amendment;
 - e. A statement describing whether and how the proposed amendment is consistent with the Jefferson County Comprehensive Plan;
 - f. A statement outlining the extent to which the proposed amendment:
 - (1) Is compatible with existing land uses;
 - (2) Affects the capacities of public facilities and services;

- (3) Affects the natural environment;
- (4) Will result in an orderly and logical development pattern.
- g. If the application requests an amendment to the Future Land Use Map, the applicant shall include:
 - (1) the street address and legal description of the property proposed to be reclassified;
 - (2) the applicant's interest in the subject property;
 - (3) the owner's name and address, if different than the applicant;
 - (4) the current land use district classification and existing land use activities of the property proposed to be reclassified;
 - (5) the area of the property proposed to be reclassified, stated in square feet or acres;
- h. Such other information or documentation as the Planning Administrator may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

2. Special Provisions for Amendments to Traffic Circulation Element.

A statement of findings shall be submitted as part of the application package for an amendment to the Traffic Circulation Element of the Jefferson County Comprehensive Plan. Such statement shall support the requested change. The contents of such statement shall be determined in a pre-application conference with the Planning Administrator.

9.10.03 Standards for Review

In reviewing the application of a proposed amendment to the text of this Code or an application for a proposed amendment to the Jefferson County Comprehensive Plan, the Board of County Commissioners and the Planning Commission shall consider:

- A.** Whether the proposed amendment is in conflict with any applicable provisions of this Code;
- B.** Whether the proposed amendment is consistent with all elements of the Jefferson County Comprehensive Plan;
- C.** Whether and the extent to which the proposed amendment is inconsistent with existing and proposed land uses;

- D. Whether there have been changed conditions that require an amendment;
- E. Whether and the extent to which the proposed amendment would result in demands on public facilities, and whether or to the extent to which the proposed amendment would exceed the capacity of such public facilities, including, but not limited to roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and emergency medical facilities;
- F. Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment;
- G. Whether and the extent to which the proposed amendment would adversely affect the property values in the area;
- H. Whether and the extent to which the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern;
- I. Whether the proposed amendment would be in conflict with the public interest, and in harmony with the purpose and interest of this Code; and
- J. Any other matters that may be deemed appropriate by the Planning Commission or the Board of County Commissioners, in review and consideration of the proposed amendment.

9.10.04 Review by Planning Department

- A. ***Submission and Completeness.*** Within twenty (20) days after an application for an amendment to the text of this Code or an application for an amendment to the Jefferson County Comprehensive Plan is submitted, the Planning Official shall determine whether the application is complete. If the application is not complete, he/she shall send a written statement specifying the application's deficiencies to the applicant by mail. The Planning Department shall take no further action on the application unless the deficiencies are remedied.
- B. ***Review.*** When the Planning Official determines an application for an amendment to the text of this Code or an application for an amendment to the Jefferson County Comprehensive Plan is complete, he/she shall review the application, make a recommendation to the Planning Commission and notify the Planning Commission that the application is complete.

9.10.05 Action by Planning Commission

- A. ***Public Hearing.*** Upon notification of the completed application for an amendment to the text of this Code or an application for amendment to the Jefferson County Comprehensive Plan, the Planning Commission shall place it on the agenda of a non-emergency meeting for a public hearing in accordance with the requirements of Section

9.02.08. The public hearing held on the application shall be in accordance with Section 9.02.09. In recommending the application to the Board of County Commissioners, the Planning Commission shall consider the Planning Official's recommendation and the standards in Section 9.10.03.

B. *Final Action by Planning Commission.* At the conclusion of the public discussion, the Planning Commission shall make a recommendation to grant or deny the application for amendment to the Board of County Commissioners. Such recommendation shall:

1. Identify any provisions of the Code, Comprehensive Plan, or other law relating to the proposed change and describe how the proposal relates to them.
2. State factual and policy considerations pertaining to the recommendation.
3. In the case of proposed amendments to this Code, include the written comments, if any, received from the Planning Official.

9.10.06 Final Action by Board of County Commissioners

- A.** Upon receipt of the recommendation of the Planning Commission, the Board of County Commissioners shall place the application on the agenda of a regular meeting of the Board of County Commissioners for a public hearing in accordance with the requirements of Section 9.02.08.
- B.** In making a decision on the application, the Board of County Commissioners shall consider the Planning Official's recommendation, the recommendation of the Planning Commission and the standards in Section 9.10.03.
- C.** At the conclusion of the public discussion, the Board of County Commissioners shall either grant, modify or deny the application for a proposed amendment.
- D.** Notification of the Board of County Commissioners' decision shall be mailed to those parties requesting a copy and the decision shall be filed in the Planning Department in accordance with Section 9.02.09(F).

9.10.07 Time Limitation

- A.** After a decision or recommendation denying a proposed amendment to the text of this Code or a proposed amendment to the Jefferson County Comprehensive Plan, the Board of County Commissioners and the Planning Commission shall not consider an application for the same amendment for a period of two (2) years from the date of the action.
- B.** The time limits of this Section may be waived by the affirmative vote of four (4) members of the Board of County Commissioners when such action is deemed necessary to prevent injustice or facilitate the proper development of the County.

9.11.00 APPEALS

9.11.01 Appeals from Decisions of the Planning Official

A developer or any adversely affected person may appeal an order, decision, determination, or interpretation of the Planning Official subject to an appeal, specifying the grounds for the appeal. Appeals are made to the Planning Commission by filing a notice of appeal with the Planning Department within thirty (30) days of the decision.

9.11.02 Appeals from Decisions of the Planning Commission

A developer, an adversely affected party, or any person who appeared orally or in writing before the Planning Commission and asserted a position on the merits in a capacity other than as a disinterested witness, may appeal the decision of the Planning Commission to the Board of County Commissioners. Appeals from a decision of the Planning Commission acting, as an appellate Board concerning a determination of the Planning Official shall be to Circuit Court as provided in section 9.11.06.

9.11.03 Record

The record to be considered on appeal shall be all written materials considered during the initial decision, any additional written material submitted by the appellant to the County, and any testimony considered on the hearing of the appeal.

9.11.04 Effect of Filing an Appeal

The filing of a notice of appeal shall stay any proceedings in furtherance of the action appealed from unless the Planning Official certifies to the Planning Commission that by reason of certain facts, a stay would pose an imminent peril to life or property; in such case the appeal will not stay further proceedings except by a restraining order.

9.11.05 Procedure

- A.** The Appellate Board (Planning Commission or Board of County Commissioners, whichever the case may be) shall hold a hearing on the appeal within a reasonable time after a notice of appeal is filed. The appellant shall be notified by the Planning Official of the time, date and place of the public hearing by certified mail, return receipt requested. The Appellate Board shall reverse the order, decision, determination or interpretation only if there is substantial competent evidence in the record that an error was made in the decision being appealed from that fails to comply with the requirements of this Code. In so modifying such decision, the Appellate Board shall be deemed to have all powers of the officer or board from whom the appeal is taken, including the power to impose reasonable conditions to be complied with by the applicant.
- B.** The decision of the Appellate Board shall be mailed to the appellant and others requesting copies by the Planning Official.

9.11.06 Appeals to Circuit Court

Any person, firm, organization or agency claiming to be injured or aggrieved by any final action of the Planning Commission or Board of County Commissioners arising from the decision-making or administration of this Code may present to the Circuit Court of Jefferson County a petition for a writ of certiorari to review such final action as provided by the Florida Appellate Rules. Such action shall not be taken until the litigant has exhausted all the remedies available in this Code. Such petition shall be presented to the Court within thirty (30) days after the date the litigant has exhausted all such Code remedies.

9.11.07 Development Orders and Permits Under Appeal

When a development order and/or permit is under appeal, the time required for final disposition of such appeal shall not be construed adversely to the holder of the development order and/or permit.

9.12.00 FEES

A schedule of fees shall be established by resolution of the Board of County Commissioners in order to cover the costs of technical and administrative activities required pursuant to this Code. Unless specifically exempted by the provisions of this Code, an applicant for any development that is subject to the rules and regulations set out in this Code shall bear the costs stipulated within such fee schedule.

9.13.00 ENFORCEMENT AND MODIFICATION OF DEVELOPMENT ORDERS AND PERMITS

9.13.01 Intentionally Left Blank

9.13.02 On-Going Inspections

A. Inspection. The Planning Official shall implement a procedure for periodic inspection of development work in progress to ensure compliance with the development permit, which authorized the activity.

B. Minor Deviations. If the work is found to have one or more minor deviations, the developer shall apply for approval to amend the development order to conform to actual development. The Planning Official may, however, refer any minor deviation that significantly affects the development's compliance with the purposes of this Code to the Planning Commission for treatment as a major deviation.

C. Major Deviations.

1. If the work is found to have one or more major deviations, the Planning Official shall:

- a. Require that the developer apply for a modification pursuant to the development review procedures in section 9.02.04.
 - b. Issue a stop work order and/or refuse to allow occupancy of all or part of the development if deemed necessary to protect the public interest. The order shall remain in effect until the Planning Official determines that work or occupancy may proceed pursuant to the decision of the Planning Commission.
 - c. If it appears that the developer has committed violations within the jurisdiction of the Code Enforcement Board, it shall be referred to that Board.
2. The Planning Commission shall hold a public hearing on the matter and shall take one of the following actions:
- a. Order the developer to bring the development into substantial compliance (i.e. having no or only minor deviations) within a reasonable period of time. The development order or permit may be revoked if this order is not complied with.
 - b. Amend the development order or permit to accommodate adjustments to the development made necessary by technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process. Amendments shall be the minimum necessary to overcome the difficulty and shall be consistent with the intent and purpose of the development approval given and the requirements of this Code.
 - c. Revoke the relevant development order or permit based on a determination that the development cannot be brought into substantial compliance and that the development order or permit should not be amended to accommodate the deviations.
 - d. Institute proceedings to revoke the permit or development order.

D. Action of Developer after Revocation of Development Order. After a development order or permit has been revoked, development activity shall not proceed on the site until the developer applies for and is issued a new development order or permit is granted in accordance with procedures for original approval.

9.13.03 Application for Certificate of Occupancy

Upon completion of work authorized by a development order or permit, and before the development is occupied, the developer shall apply to the Building and Planning Department for

a Certificate of Occupancy. The Building Official shall inspect the work and issue the Certificate if found to be in conformity with the permit or order.

9.14.00 *CODE ENFORCEMENT*

9.14.01 *Generally*

The Jefferson County Code Enforcement Officer and Code Enforcement Board, pursuant to Chapter 162, F.S., shall enforce this Code and any County Building Code requirements according to the procedures set forth below.

9.14.02 *Enforcement Procedures*

- A.** When the Planning Department has reason to believe that the provisions of this Code or any County Building Code requirements are being violated, it shall initiate enforcement proceedings via the code enforcement officer. No member of the Code Enforcement Board may initiate enforcement proceedings.
1. A notice of violation shall be served upon the owner, agent, custodian, lessee, or occupant to terminate and abate the violation in thirty (30) days of the date such notice is received by certified mail, hand delivery, or advertised in a newspaper of general circulation in the county. Such notice of violation shall include a sufficient description by address and/or legal description to identify the property upon which the violation exists; a description of the violation to be terminated and abated; and a statement that if the described violation is not terminated and abated within thirty (30) days after notice as herein provided, the Code Enforcement Board may order the code enforcement officer to cause the violation to be terminated and abated, and to impose a lien upon the property for the actual cost of such termination and abatement.
 2. If such violation has not been terminated and abated within the thirty (30) period a second notice shall be sent notifying the offender that a code enforcement hearing has been requested. Such notice of violation shall further state the date, time and place in which the violation will be called up for hearing before the Code Enforcement Board.
 3. If a violation presents a serious threat to the public health, safety, and welfare, the code enforcement officer shall immediately take the case before the Code Enforcement Board, even if the violator has not been notified.
 4. All hearings before the Code Enforcement Board pertaining to this article shall be conducted in accordance with the procedures set forth in this Code.
- B.** After a case is set for hearing, the Secretary to the Code Enforcement Board may issue subpoenas as requested by the Planning Department and the alleged violator. Subpoenas may be served by the Sheriff of Jefferson County. The County shall pay all costs of

issuing and serving up to and including four (4) subpoenas requested by any party. Should a party request more than four (4) subpoenas, that party shall pay all costs incurred in issuing and serving those in excess of four.

C. Hearings before the Code Enforcement Board shall be conducted as follows:

1. The Secretary shall read the Statement of Violations and Request for Hearing.
2. The alleged violator shall be asked if he wishes to contest the charges.
3. The County shall present its case and alleged violator shall present his case. The County's case shall be presented by an attorney representing the County or by a member of the administrative staff of the County. The alleged violator's case may be presented by an attorney, or other representative chosen by the alleged violator.
4. Both parties may call witnesses and all witnesses shall be sworn. All testimony shall be under oath and shall be recorded.
5. Formal rules of evidence shall not apply, but fundamental due process shall be observed.
6. Both parties may cross-examine witnesses and present rebuttal evidence.
7. The Board and its attorney may call or question any witness.
8. After all evidence has been submitted, the Chair shall close presentation of evidence.
9. The Board shall immediately deliberate and make a decision in open session. If a decision cannot be reached in the initial meeting, the Board shall adjourn and reconsider the matter as soon as possible at a time and date certain.
10. A decision of the Board must be approved by at least four (4) members of the Board. The decision shall contain findings of fact and conclusions of law and shall state the affirmative relief granted by the Board.
11. The decision shall be announced as an oral order of the Board and shall be reduced in writing within ten (10) days and mailed to the parties.
12. The Board may, at any hearing, order the reappearance of a party at a future hearing.

D. The Code Enforcement Board may issue whatever orders are necessary to bring the violation into compliance, including an order which directs the code inspector to cause

the violation to be terminated and abated, and which further orders that a lien be placed on the property in an amount equal to the actual cost of terminating and abating the violation. No order of the Code Enforcement Board shall cause a violation to be terminated and abated before the time has run out for appealing such order. The Code Enforcement Board, upon finding a violation, shall issue an Order to Comply, setting a date certain for compliance and a fine to be levied if the deadline for compliance is not met. The fine shall not exceed \$250.00 for each day the violation continues past the specified compliance date.

- E.** After an order has been issued by the Code Enforcement Board and a date for compliance has been set, the Code Enforcement Officer or other designated County official shall make a re-inspection to determine compliance or noncompliance with the order.
- F.** The inspector shall file an affidavit of compliance or noncompliance with the Secretary of the Code Enforcement Board, and a copy shall be sent to the violator by certified mail, return receipt requested.
- G.** If the Planning Official files an affidavit of compliance, the Secretary of the Code Enforcement Board shall close the file and so report to the Board.
- H.** If the Planning Official files an affidavit of noncompliance with the Secretary of the Code Enforcement Board, the Board may order the violator to pay the fine as specified in the Board's order.
- I.** A copy of the order imposing the fine shall be mailed to the violator by certified mail, return receipt requested, or personally served upon the violator.
- J.** If a fine remains unpaid for a period of fourteen (14) days, a certified copy of the order imposing the fine shall be recorded in the Official Records of Jefferson County, which shall thereafter constitute a lien against the land on which the violations exists, or if the violator does not own the land, upon any other real or personal property owned by the violator, and may be enforced in the same manner as a court judgement by the sheriffs of this State, including levy against personal property. If the fine remains unpaid for a period of one (1) year following the date the lien was filed, the Board may authorize the County Attorney to foreclose on the lien.
- K.** In addition to the penalties prescribed above, the Code Enforcement Board shall:
 - 1. Direct the Planning Administrator not to issue any subsequent development orders for the development until the violation has been corrected.
 - 2. Inform the violator that no further work under an existing approval may proceed until the violation has been corrected.

9.14.03 LIEN

1. If the Code Enforcement Board orders that a violation of this article to be terminated and that a lien be placed on the property for the actual cost thereof, the Planning Administrator shall, within fifteen (15) days from the date any such work is completed, cause to be prepared a claim of lien describing the real property upon which a lien is claimed, the date of completion of the work, the actual cost of terminating and abating the violation and have attached as an exhibit to the claim of lien a certified copy of the Code Enforcement Board order imposing the lien. The claim of lien shall be filed in the official record books of the public records of the county. The Planning Administrator shall further cause to be published a notice that such lien has been recorded as aforesaid, which notice shall be published one (1) time in a newspaper of general circulation in the county, setting forth the lien held by the county against each piece of real property by lot and block number or other proper description.
2. Any person owning or having any interest, legal or equitable, in the real property shall have the right, within thirty (30) days after the publication of the notice of lien, to present to the Code Enforcement Board a sworn petition stating his interest in the property and alleging that, in the opinion of the petitioner, the cost of such work as shown in the claim of lien filed in the official records book of the public records of the county exceeds the actual cost thereof or is otherwise erroneously entered, and shall be heard upon such petition. The petition may be accompanied by the documentary evidence showing that the cost of the work as shown in the claim of the lien exceeds the actual cost or is erroneously entered. If it shall appear to the satisfaction of the Code Enforcement Board that the cost is erroneously stated, then the Planning Commission shall so declare, and shall fix the amount to be charged against such real property as is correct, and the Planning Administrator shall have the corrected claim of lien for such amount filed in the official record books of the public records of the county.
3. Where no sworn petition is filed pursuant to subsection (b), the cost of such work as shown in the recorded claim of lien shall become a fixed lien on the real property upon which the work has been done.

9.14.04 Other Penalties and Remedies

- A. **Generally.** If the Planning Administrator determines that the code enforcement process delineated above would be an inadequate response to a given violation, it may pursue the following penalties and remedies, as provided by law.
- B. **Lot Sales Limited to Approved Subdivision.** It shall be unlawful for anyone who is the owner or agent of the owner of any land to transfer, sell, agree to sell or negotiate to sell such land by reference to or exhibition of or by other use of a plat or subdivision of such land without having submitted a plan and plat of such subdivision for approval as required by these regulations and recorded the approved subdivision plat as required. If

such unlawful use be made of a plat before it is properly approved and recorded, the owner or agent of the owner of such land shall be deemed guilty of a misdemeanor and shall be punishable as provided in this Section.

- C. *False Representation as to Maintenance Responsibility.*** Any owner or agent of the owner who falsely represents to a prospective purchaser of real estate that any facilities and services such as roads and streets, sewers, water systems or drainage facilities will be built, constructed or maintained by Jefferson County shall be deemed guilty of a misdemeanor and shall be punishable as provided by law.
- D. *Civil Remedies.*** If any building or structure is erected, constructed, reconstructed, altered, repaired, or maintained or any building, structure, land, or water is used in violation of this Code, the Planning Official, through the County Attorney, may institute any appropriate civil action or proceedings in any court to prevent, correct, or abate the violation.
- E. *Criminal Penalties.*** Any person who violates any provision of this Code shall be deemed guilty of a misdemeanor and shall be subject to fine and imprisonment as provided by law.